



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/619,216
Filing Date: July 14, 2003
Applicant: Verard, et al.
Group Art Unit: 3739
Examiner: To Be Assigned
Title: NAVIGATION SYSTEM FOR CARDIAC
THERAPIES
Attorney Docket: 5074A-000060/CPA

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**A REQUEST FOR CORRECTION OF INVENTORSHIP
OF A PATENT APPLICATION UNDER 37 C.F.R. §1.48(a)(1)**

1. This is a request for correction of inventorship in the above referenced patent application. It is respectfully requested per 37 C.F.R. §1.48(a)(1) that the Patent and Trademark Office amend the above referenced patent application to correct the error by adding Kenneth Gardeski as an inventor.

2. The following documents are attached:

01/28/2005 HGBREM1 00000027 10619216

01 FC:1464

130.00 OP

Serial No. 10/619,216

- a). a statement from the person being added as an inventor that the error in inventorship occurred without deceptive intention on his part, pursuant to 37 C.F.R. §1.48(a)(2).
- b). a declaration by each of the actual inventors as required by 37 C.F.R. §1.63, pursuant to 37 C.F.R. §1.48 (a)(3).
- c). written consent of the assignee, pursuant to 37 C.F.R. §1.48(a)(5) (courtesy copy of Assignment of newly added inventor is enclosed for your convenience).

3. Per 37 C.F.R. §1.48(a)(4), a check for \$130 is being submitted to cover the fee set forth in 37 C.F.R. §1.17(i). Please charge any underpayment or credit associated with this request to the aforementioned deposit account number.

4. The undersigned attorney submits that all of the requirements of 37 C.F.R. §1.48 have been fulfilled and respectfully requests that the PTO identify the inventors as being Laurent Verard, Mark W. Hunter, Andrew Bzostek and Kenneth Gardeski.

Date: July 21, 2005

By: Richard W. Warner
Richard W. Warner
Reg. No. 38,043

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

ASSIGNMENT

Atty. Docket No. 5074A-000060/CPA

The undersigned, hereinafter referred to collectively as Assignor, has an interest in the invention entitled:

NAVIGATION SYSTEM FOR CARDIAC THERAPIES

which is the subject of a United States or International application for patent

- (a) ☐ executed on even date preparatory to filing (each inventor should sign this Assignment on the same day as he/she signs the Declaration and Power of Attorney);
- (b) ☐ executed on _____, _____, _____;
- (c) ☒ filed on July 14, 2003, and assigned Serial No. 10/619,216 or PCT International Application No. _____;
- (d) ☐ U.S. Patent No. _____, issued _____, and
☐ presently assigned as evidenced at Reel _____, Frame _____; or
- (e) ☐ entitled above and naming the undersigned inventors in this provisional patent application; and

Surgical Navigation Technologies, Inc., having a place of business at 826 Coal Creek Circle, Coal Creek Corporate Center One, Louisville, Co 80027, hereinafter referred to as Assignee, is desirous of acquiring Assignor's interest therein:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy whereof is hereby acknowledged, Assignor by these presents does sell, assign and transfer unto Assignee and its successors in interest, the full and exclusive right, title and interest in the United States of America and all foreign countries, including the right to claim priority under the laws of the United States, the Paris Convention, and any foreign countries, to the said invention as described in the aforesaid application, said application for patent and all Letters Patent therefor to be held and enjoyed by Assignee to the full end of the term for which said Letters Patent are granted and any extensions thereof as fully and entirely as the same would have been held by Assignor had this assignment and sale not been made, and the right to recover for past infringements of, or liabilities for, any of the rights relating to any of said applications or patents resulting therefrom;

Assignor hereby covenants and agrees to execute all instruments or documents required or requested for the making and prosecution of any applications of any type for patent in the United States and in all foreign countries including, but not limited to, any provisional, continuation, continuation-in-part, divisional, renewal or substitute thereof, and as to letters patent any reissue, re-examination, or extension thereof, and for litigation regarding, or for the purpose of protecting title and to the said invention, the United States application for patent, or Letters Patent therefor, and to testify in support thereof, for the benefit of Assignee without further or other compensation than that above set forth;

Assignor hereby covenants that no assignment, sale or agreement or encumbrance has been or will be entered into which would conflict with this Assignment; and

Assignor hereby requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States of America to Assignee, and requests that any official of any country or countries foreign to the United States, whose duty it is to issue or grant patents and applications as aforesaid, to issue said Letters Patent, Utility Model Registration or Inventor's Certificate to Assignee.

Assignor hereby authorizes an attorney authorized to prosecute this patent application to insert here in parentheses (Application No. _____, filed _____) the filing date and application number of said application when known.

ASSIGNMENT

Kenneth C Gardeski
Kenneth Gardeski

State of MINNESOTA)
County of HENNEPIN) ss.

On this 9TH day of NOVEMBER, 2004, before me personally appeared the foregoing individual, who executed the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.



Janice Mason
Notary Public,
Anoka County, State of Minnesota
My Commission Expires: Jan. 31, 2005



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STATEMENT UNDER 37 C.F.R. §1.48(a)(2)

Laurent Verard, Mark W. Hunter and Andrew Bzostek, are the joint inventors of the above identified patent application along with Kenneth Gardeski, and that:

1. The application was filed in the U.S. Patent Office on July 14, 2003 and given the Serial No. 10/619,216 naming inventors Laurent Verard, Mark W. Hunter and Andrew Bzostek.

2. The application was inadvertently filed omitting the name of Kenneth Gardeski as co-inventor through error and without deceptive intention.

3. This error in inventorship was not caused by deceptive intention on the part of Ken Gardeski.

4. All statements made herein are of my own knowledge and true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above referenced patent.

Date: 09 Nov 04

By: Kenneth C Gardeski
Kenneth Gardeski



DECLARATION AND POWER OF ATTORNEY

Atty. Dkt. No.: 5074A-000060/CPA

DECLARATION

I hereby declare that:

Each inventor's residence, mailing address and citizenship are as stated below next to their name,

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NAVIGATION SYSTEM FOR CARDIAC THERAPIES

the specification of which (check one)

- ☐ is attached hereto.
or
☒ was filed on July 14, 2003 as United States Application Number or PCT International Application No. 10/619,216 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

DECLARATION AND POWER OF ATTORNEY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY

I hereby appoint each practitioner at Customer No. 27572 of Harness, Dickey & Pierce, P.L.C., my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572, Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

DECLARATION AND POWER OF ATTORNEY

Full name of sole or first inventor: Laurent Verard

Inventor's signature: [Signature]

Date: 1-17-05

Residence: 1259 South Weldona Lane, Superior, CO 80027

Citizenship: France

Mailing Address: Same as above

Full name of second joint inventor, if any: Mark W. Hunter

Inventor's signature: [Signature]

Date: 12/22/04

Residence: 204 Summit Trail, Broomfield, CO 80020

Citizenship: United States of America

Mailing Address: Same as above

Full name of third joint inventor, if any: Andrew Bzostek

Inventor's signature: [Signature]

Date: 1-17-05

Residence: 488 Fillmore Court, Louisville, CO 80027

Citizenship: United States of America

Mailing Address: Same as above

Full name of fourth joint inventor, if any: Kenneth Gardeski

Inventor's signature: [Signature]

Date: 07 NOVEMBER 2004

Residence: #213, 10405 45th Avenue North, Plymouth, MN 55442

Citizenship: United States of America

Mailing Address: Same as above

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Group Art Unit: 3739
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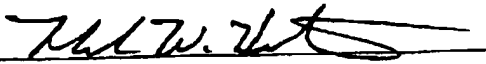
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and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**CONSENT OF THE ASSIGNEE TO
ADD AN INVENTOR UNDER 37 C.F.R. §1.48(a)(5)**

Surgical Navigation Technologies, Inc., owner by assignment of the entire right, title and interest of the above referenced patent application consents to the Correction of Inventorship in the above referenced patent application as requested in the accompanying papers. Documentary evidence establishing chain of title from the original owner to the assignee, per 37 C.F.R. §3.73(b), is recorded in the assignment records of the Patent and Trademark Office on Reel 014280 and Frame 0045.

The undersigned, whose title is supplied below, is empowered to sign this certificate on behalf of the assignee.

Date: 12/22/04


Mark W. Hunter
Group Director Business Development



1124105

CIFW/\$

PTO/SB/21(04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/619,216
	Filing Date	July 14, 2003
	First Named Inventor	Verard, et al.
	Art Unit	3739
	Examiner Name	To Be Assigned
Total Number of Pages in This Submission	Attorney Docket Number	5074A-000060/CPA

ENCLOSURES (check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Correction of Inventorship; Statement Under 37 CFR 1.48(a)(2); exec. Declaration and Power of Attorney; Consent of Assignee to Add an Inventor, along with a		
<table border="1"><tr><td>Remarks</td><td>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed. courtesy copy of Assignment of newly added inventor); and return postcard.</td></tr></table>			Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed. courtesy copy of Assignment of newly added inventor); and return postcard.
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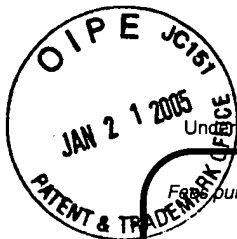
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Richard W. Warner	Reg. No. 38,043
Signature			
Date	July 21, 2005		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Richard W. Warner	Express Mail Label No.	EV 570 163 106 US (1/21/2005)
Signature		Date	July 21, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV 570 163 106 US



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Effective on 12/08/2004.
Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL for FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

Application Number	10/619,216
Filing Date	July 14, 2003
First Named Inventor	Verard, et al.
Examiner Name	To Be Assigned
Art Unit	3739
Attorney Docket No.	5074A-000060/CPA

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____
☐ Deposit Account Deposit Account Number: 08-0750 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) ☐ Credit any overpayments
Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)
Each independent claim over 3 (including Reissues)
Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180
Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)
_____	_____

Total Claims **Extra Claims** **Fee(\$)** **Fee Paid (\$)**
_____ -20 or HP= 0 x _____ = 0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee(\$)** **Fee Paid (\$)**
_____ - 3 or HP= 0 x _____ = 0

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**
_____ = 0 / 50 = 0 (round up to a whole number) x _____ = 0

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : #1808 Processing Fee - (37 CFR 1.17(i))

Fees Paid (\$)
130.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	38,043	Telephone	248.641.1600
Name (Print/Type)	Richard W. Warner			Date	July 21, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.